



***REQUEST FOR PROPOSALS (RFP)***  
***For 2020-2021***

**Housing, Community Development, Economic Development and Homeless Activities**

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***PART 1***  
***GUIDELINES, APPLICATION***  
***INSTRUCTIONS AND GLOSSARY***

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**CITY OF FAYETTEVILLE**  
**Economic & Community Development Department**

**2020 Request for Proposals**  
**Housing and Community Development Activities**

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**INTRODUCTION:** The U. S. Department of Housing and Urban Development (HUD) allocates entitlement block grant funding to qualifying local and state governments for the purpose of carrying out a variety of housing and community development activities. The City of Fayetteville is an entitlement city that receives Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding from HUD.

The funds must be expended in accordance with an approved “Consolidated Plan”, a five-year strategic plan that is submitted for both programs. The Consolidated Plan outlines a comprehensive approach to addressing housing and community development needs throughout City of Fayetteville taking into account the two entitlement programs, along with program income that has been earned. Goals and objectives in the 2020-2024 Consolidated Plan may change from the current plan’s goals and objectives listed in this Request for Proposals.

The Request for Proposals consists of 2 parts. Part I consists of Guidelines, Application Instructions and Glossary and Part II contains the application.

## **RFP Guidelines**

### **FUNDING ELIGIBILITY** – All activities must:

- A. Meet federal eligibility guidelines;
- B. Comply with at least one national objective; and
- C. Carry out at least one of the City of Fayetteville's (COF) consolidated plan objectives.

The criteria in all three categories must be satisfied; they are explained below.

#### **A. National Objectives: (CDBG and HOME)**

##### ***Community Development Block Grant***

The Community Development Block Grants (CDBG) Program is HUD's primary program for promoting community revitalization throughout the country. CDBG provides annual grants on a formula basis to more than 900 metropolitan cities and urban counties (entitlement recipients). In addition, it provides formula-based grants to 49 States and Puerto Rico for distribution to smaller, non-entitled communities. CDBG funds are used for a wide range of community development activities directed toward neighborhood revitalization, economic development, and improved community facilities and services.

The CDBG program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. The primary objective of the program is the development of viable urban communities. The CDBG program is designed to provide, principally for low to moderate-income persons, decent housing, a suitable living environment, and expanded opportunities. To achieve these goals, the CDBG regulations outline eligible activities and the national objectives that each activity must meet.

The CDBG projects and activities presented in the City's 2020-2021 One-Year Action Plan must meet one of the three broad national objectives found in the CDBG regulations. The CDBG national objectives are listed below.

- **To benefit low and moderate income persons;**
- **To aid in the prevention or elimination of slums or blight; and**
- **To meet community development needs to meet a particular urgency.**

The City is responsible for assuring that each eligible activity conducted under the CDBG program meets one of these national objectives.

### ***Home Investment Partnership Program***

The HOME Investment Partnerships (HOME) program affirms the Federal Government's commitment to provide decent, safe, and affordable housing to all Americans and to alleviate the problems of excessive rent burdens, homelessness and deteriorating housing stock. HOME provides funds and general guidelines to State and local governments to design affordable housing strategies that address local needs and housing conditions. HOME strives to meet both the short-term goal of increasing the supply and availability of affordable housing and the long-term goal of building partnerships between State and local governments and private and nonprofit housing providers.

HOME was created by the National Affordable Housing Act of 1990 and has been amended several times by subsequent legislation. HOME funds are allocated by formula to grantees to operate the program. Grantees must commit and spend their allocated funds within certain time frames or they lose the funds.

The HOME projects and activities presented in the City's 2020-2021 One-Year Action Plan must meet one of the two national objectives found in the HOME regulations. The HOME program national objectives are listed below.

- **To expand the supply of decent, safe, sanitary and affordable housing; and**
- **To strengthen public private partnerships.**

The City is responsible for assuring that each eligible activity conducted under the HOME program meets one of these national objectives.

The national objectives for these two programs are the foundation for the City's Consolidated and One year Action Plans.

### **B. Eligible Activities Based On Current Consolidated Plan**

#### **Program Description**

##### **Housing Activities**

Provide funding for activities such as housing rehabilitation and new construction projects designed to increase the supply of affordable single and multi-family housing for low-moderate income residents in the City of Fayetteville.

##### **Economic Development Activities**

Provide technical assistance and training workshops for small businesses/entrepreneurs.

##### **Community Development Activities**

Provide job skills training workshops; job counseling, household budget counseling services, and personal finance workshops.

### **Homelessness**

Provide homeless service support to individuals and families.

### **INCOME GUIDELINES**

HUD regulations define low-moderate income as 80% of the Median Income for a Metropolitan Statistical Area. The 2019 income guidelines for the Fayetteville Metropolitan Statistical area are listed below:

#### **Family Size**

Moderate Income 80% of Median

1	\$30,950
2	\$35,350
3	\$39,750
4	\$44,150
5	\$47,700
6	\$51,250
7	\$54,750
8	\$58,300

Income updated annually

### **C. Consolidated Plan Goals and Objectives**

Entitlement funds that will be awarded as a result of this RFP must be expended in accordance with the approved “Consolidated Plan”, a five-year strategic plan that is submitted for CDBG and HOME programs. The Consolidated Plan, 2020-2024 includes strategic goals and objectives related to local housing and community development needs that the City expects to achieve during the period. Therefore in addition to complying with a National Objective, all proposals must comply with at least one of the Consolidated Plan Objectives.

**Goal 1: Decent and Affordable Housing:** Provide decent safe and affordable housing to improve quality of lives, households, neighborhoods and community stability.

**Objective 1.1:** Preserve, Improve and expand the supply of affordable housing for low to moderate income homeowners and renters

**Objective 1.2** Increase homeownership opportunities

**Objective 1.3:** Create suitable living environments that promote neighborhood improvement, elimination of blight and the acquisition of land for future affordable housing

**Goal 2: Suitable Living Environment:** Create environments that promote neighborhood improvement, elimination of slum and blight, increase accessibility and support the homeless.

**Objective 2.1:** Provide support to the City's efforts to extend water and sewer to newly annexed areas, pave remaining streets and various community improvements.

**Objective 2.2:** Support homeless programs and service providers to reduce the number of homeless while increasing their independence and self-sufficiency.

**Objective 2.3:** Provide programs that eliminate slum and blight and increase the appearance of neighborhoods.

**Goal 3: Economic Opportunities:** Create community investment programs designed to support entrepreneurship, economic empowerment, retention of businesses and job creation opportunities.

**Objective 3.1:** Provide loan and grant programs to support the development and expansion of small businesses.

**Objective 3.2:** Create job opportunities through entrepreneurship training, job skills training and the coordination of community resources

**D. Application Instructions**

- **Due date ~ Applications are due to COFE&CD no later than XXXXXXXX at 5:00 p.m.** Late applications will not be considered for funding. Faxed applications will not be accepted.

**The submission must include:**

1. Four (4) complete copies of the application (copies cannot be made at COFE&CD office)

Applications that consist of acquisition, rehabilitation or new construction for the purpose of creating additional housing units will be accepted.

- Reports and Monitoring ~ As a recipient of public funds, all successful applicants who sign a contract with COFE&CD will be required to fully comply with ongoing reporting and monitoring requirements.
- Applicants that receive funding from the COF funding from a department other than COFE&CD must include a current letter of support from that department.
- Applicants collaborating or coordinating services with other organizations should submit letters or documentation of commitment from those organizations. The letters should explain the type of coordination that will occur. This coordination will be monitored by COFE&CD if the applicant's activity is funded.
- **ALL APPLICANTS** should include other letters, news articles, or evidence of local support obtained within the past year. This support may be solicited from relevant governmental, for-profit, and non-profit or client sources, as well as the general public.

**NOTE:** Provisions of services specified in this RFP requires substantive knowledge and understanding of the applicable rules and regulations. Recipients of federal funding must certify compliance with applicable federal regulations and adhere to applicable definitions described in the Glossary beginning on page 11.

The City reserves the right to reject any and all proposals received as a result of this RFP and to negotiate separately with competing applicants.



# GLOSSARY

## **Acquisition:**

Acquisition of real property, in whole or in part, by purchase, long-term lease, donation, or other means for any public purpose.

## **Affirmative Marketing:**

Actions to provide information and attract eligible persons, particularly those not likely to apply for housing without special outreach, to affordable housing units.

## **Allowable Costs:**

Allowability of costs incurred by local governments and non-profit organizations are determined in accordance with the provisions of 2 CFR Part 200 subpart E.

## **Americans with Disabilities Act:**

For major rehabilitation or conversion, the recipient of funding must comply with the Americans with Disabilities Act (42 U.S.C. 12131 through 12134, regulations at 28 CFR Part 35) and accessibility guidelines. The Act also prohibits discrimination based on disability in the provision of goods, services, privileges, advantages or accommodations in any place of public accommodation, including homeless shelters and social service center establishments. Section 504 of the Rehabilitation Act of 1973 also prohibits discrimination based on disability in activities or programs receiving federal assistance and the Fair Housing Amendments Act (FHAA) prohibits discrimination in housing based on a person's disability.

The ADA, Section 504, and the FHAA all follow the same definition of disability:

- (A) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (B) A record of such an impairment; or
- (C) Being regarded as having such an impairment.

The phrase *physical or mental impairment* means --

- (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine;
- (2) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
- (3) The phrase physical or mental impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning

disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The phrase physical or mental impairment does not include psychoactive substance use disorders resulting from current illegal use of drugs. NOTE: This definition of disability differs from the definition for “severely disabled person” (defined below), a class of people presumed under CDBG regulations to be low- or moderate-income.

**Audit:**

Local government and private non-profit sub-recipients are subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 USC 7501-7507) and revised OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations.”

**Bonding and Insurance:**

Non-profit agencies are required to adhere to the standards of OMB Circular A-1 10, Subpart C regarding bid guarantees, performance bonds, payment bonds and insurance.

**Certificate of Good Standing (Certificate of Existence):**

A Certificate of Good Standing, also called a Certificate of Existence, is a state-issued document that provides formal proof of authorization to do business in a state. It also verifies that an entity is registered as a legal entity in a state, not in default of corporate rules or suspended by the state and must be current on all tax filings and obligations.

**Certification Regarding Drug Free Workplace:**

In accordance with the requirements of the Drug Free Workplace Act of 1988, all recipients of federal funding through HUD are required to comply with and execute the certification regarding the provision of a drug-free workplace.

**Clearance:**

Demolition and removal of buildings and improvements; including movement of structures to other sites, or physical removal of environmental contaminants or treatment of such contaminants to render them harmless. Demolition of HUD-assisted housing units may be undertaken only with the prior approval of HUD.

**Community Development Block Grant:**

Federal entitlement funding authorized by the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) and Section 7 (d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)) and implemented under 24 CFR Part 570.

**Community Housing Development Organization:**

A private, non-profit organization that has as one of its purposes the provision of decent housing that is affordable to low- and moderate-income persons.

**Conflict of Interest:**

In addition to conflict of interest requirements in OMB Circular A-110 and 24 CFR Part 85, no person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee, of any designated public agency, or of a sub-recipient that receives federal funding from the City of Fayetteville and who exercises or has exercised any functions or responsibilities with respect to funded activities or who is in a position to participate in a decision process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect to the activities, or with respect to the proceeds of the activities, either for themselves or for those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

**Debarred, Suspended. or Ineligible Contractors:**

Engagement of services and awarding of contracts or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status is strictly prohibited, in accordance with the provisions at 24 CFR Part 24.

**Disabled Person:**

See the definition for "severely disabled person" or *the Americans with Disabilities Act*, as applicable.

**Displaced Person:**

A person (family, individual, business, non-profit organization, or farm, including any corporation, partnership, or association) that permanently moves as a direct result of acquisition, rehabilitation, or demolition for a federally-funded project.

**Displacement and Relocation:**

Grantees must assure that they have taken all reasonable steps to minimize the displacement of persons as a result of any federally funded activities. If such displacement is unavoidable, action must be taken to mitigate any adverse effects on these persons. Recipients must comply with all requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655, regulations at 49 CFR **Part 24**). The City is responsible for ensuring compliance with all displacement and relocation requirements.

**Employment and Contracting Opportunities:**

Contractors and subcontractors of federal or federally assisted construction contracts shall take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment, layoff or termination, rates of pay, or other forms of compensation and selection for training and apprenticeship.

In addition, compliance is required with **Section 3 of the Housing and Urban Development Act of 1968** (12 U.S.C. 1701u) and the implementing regulations in 24 CFR part 135. This law requires that to the greatest extent feasible, opportunities for training and employment be given to low- and very low- income persons who reside within the local area in which the project is located, and where possible, work contracts should be awarded to eligible local business concerns. No person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of federally assisted construction contracts.

Compliance is required with Executive Orders 11625 and 12432 on Minority Business Enterprise and Executive Order 12138 on Women's Business Enterprise. These orders require recipients to take all necessary affirmative steps to assure that minority firms, women's business enterprises and labor surplus area firms are used when possible.

#### **Environmental Review Requirements:**

Approval of specific activities is conditioned on the results of environmental reviews required by 24 CFR Part 58 and, if necessary, issuance by HUD of a formal Notice of Removal of Grant Conditions. Proposed activities are subject to change based on the results of the City's reviews of the environmental effects of activities. The City assumes such environmental review, decision-making and action responsibilities by execution of grant agreements with the HUD Secretary.

#### **Family:**

All persons living in the same household who are related by blood, marriage, or adoption.

#### **Federal Regulations:**

The recipient agrees to comply with the requirements of the HUD programmatic regulations pertaining to the specific program through which funding is awarded. The recipient further agrees to utilize funds made available through this award to supplement rather than replace funds otherwise available.

#### **Flood Insurance:**

No site proposed for grant assistance may be located in area that has been identified by the Federal Emergency Management Agency as having special flood hazards, unless the community in which the area is situated is participating in the National Flood Insurance Program.

#### **HOME Investment Partnerships Program:**

Federal entitlement funding authorized by Title 11 of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (42 U.S.C. 12701 *et seq.*) and the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)) and implemented under 24 CFR Part 92.

**Homeless person:**

A person is considered homeless if they 1) lack a fixed, regular, and adequate nighttime residence; and 2) have a primary nighttime residence that is - a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Anyone imprisoned or otherwise detained pursuant to an Act of Congress or State law is ***not*** considered homeless according to HUD guidelines.

**Homelessness Prevention:**

Activities including: short-term subsidies to defray rent and utility arrearages for families that have received eviction or utility termination notices; security deposits or first month's rent to permit a homeless family to move into their own apartment; mediation programs for landlord-tenant disputes legal services programs for the representation of indigent tenants in eviction other innovative programs and activities designed to prevent the incidence of proceedings; payments to prevent foreclosure on a home; and homelessness.

**Household:**

All persons occupying the same housing unit, regardless of their relationship to each other.

**HUD:**

United States Department of Housing and Urban Development

**Labor Standards:**

Recipients must comply with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5) and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-332) regarding payment of wages and hours as required for construction projects. However, these requirements apply to the rehabilitation of residential property only if such property contains not less than 8 units (CDBG) or 12 units (HOME). Volunteers must be used in accordance with 24 CFR Part 70.

**Lead-Based Paint:**

Compliance with the requirements of the Lead-Based Paint Poisoning Prevention Act (42

U.S.C. 4821 through 4846) must be assured. The Act requires that precautions are to be taken to avoid lead paint poisoning, such as routine maintenance and removal techniques to eliminate hazards. Also, the use of lead-based paint is strictly prohibited for any rehabilitation, conversions, or new construction project. Before conversion or rehabilitation of any building constructed prior to 1978 or any rehabilitation of a home with children under the age of 7, all applicable surfaces shall be inspected to determine if defective paint surfaces exist. Treatments, if necessary, will eliminate hazards and shall, at a minimum, consist of covering or removal of defective paint surfaces.

For further questions on compliance, consult with COFE&CD before proceeding. Also, see the Notice published by HUD, which describes the signs of lead poisoning and what to do.

**Low- or moderate-income household:**

A household in which the total income of all of the household members is equal to or less than 80% of median family income for the Fayetteville Metropolitan Statistical Area.

**Low- or moderate-income Person:**

A member of a family having an income equal to or less than 80% of median family income for the Fayetteville Metropolitan Statistical Area.

**Micro-enterprise:**

A business having five or fewer employees, one or more of who owns the business.

**Non-Discrimination, Equal Opportunity, and Fair Housing:**

The Fair Housing Act prohibits any person from discriminating in the sale, rental or financing of housing or brokerage services on the basis of race, color, religion, sex, national origin, handicap or familial status. Recipients also must affirmatively further fair housing, and they must certify that they will do so.

Under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*), no person in the United States shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with HUD-administered funds on the grounds of race, color, religion, sex, or national origin. Additionally, the Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*) and Section 504 of the Rehabilitation Act of 1973 (which prohibits discrimination against the handicapped and is found at 29 U.S.C. 794) are applicable to any program funded as a result of this RFP.

Also see *the Americans with Disabilities Act* above.

**Office of Management and Budget (OMB) Circulars:**

All recipients shall comply with the policies, guidelines, and requirements of 2 CFR 200 Part

200 subpart E, as applicable.

**Public Facilities:**

Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements carried out by public or private non-profit entities. Public facilities include but are not limited to: homeless shelters; convalescent homes, hospitals, and nursing homes; battered spouse shelters; halfway houses for runaway children, drug offenders or parolees; and group homes for mentally retarded persons. When such facilities are owned by non-profit entities, they shall be open for use by the general public during all normal hours of operation.

**Public Services:**

Public services include but are not limited to: employment, crime prevention, childcare, health, drug abuse, education, fair housing counseling, energy conservation, welfare, homebuyer down payment assistance, or recreational needs.

**Reconstruction:**

The rebuilding or rehabilitation of housing on the same lot. The number of housing units on the lot may not change as a result of reconstruction, although the number of rooms per unit may change.

**Record Keeping:**

Recipients must establish and maintain sufficient records to enable HUD to determine that HUD requirements have been met. Records must provide a full description of each activity assisted with federal funds, including project location and amounts budgeted, obligated, and expended. Records must show that the activity meets one of the national objectives benefiting low- and moderate-income persons.

**Religious Organization:**

The recipient agrees that funds provided under this contract will not be used for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with federal regulations specified in 24 CFR 570.2000'). Assistance may be provided to a primarily religious organization if the organization agrees not to discriminate on the basis of religion regarding employment or provision of services.

**Reporting: Requirements:**

COFE&CD requires submission of quarterly reports, accessibility to records and files, and copies of annual audits or financial statements during the period of the contract and/or period of affordability.

**Severely Disabled Person:**

A person who is 15 years or older and uses a wheelchair or is a long-term user of a cane, crutches, or walker; is unable to perform one or more *functional activities* (seeing, hearing, speaking, lifting/carrying, using stairs, walking);

- needs personal assistance with an *activity of daily living* (including getting around inside the home, getting in or out of a bed or chair, bathing, dressing, eating, and toileting);
- needs personal assistance with an *instrumental activity of daily living* (including going outside the home, keeping track of money and bills, preparing meals, doing light housework, taking prescription medicines in the right amount at the right time, using the telephone);
- has a developmental disability or Alzheimer's disease; is unable to do housework; is 16 to 67 years old and unable to work at a job or business; or receives federal disability benefits.

**Small Business:**

For-profit corporation, Limited Liability Company, partnership, proprietorship, or other business entity having either one hundred (100) or fewer total employees, or the equivalent of one hundred (100) or fewer full-time equivalent employees, whichever is less.

**Tenant-based Rental Assistance:**

Financial assistance for rent, associated security and utility deposits provided to tenants. Because the assistance is not associated with a housing site, the tenant continues to receive the assistance even if they move.

**Transitional housing:**

Project that is designed to provide housing and appropriate supportive services to de-institutionalized persons with disabilities, homeless individuals with disabilities, and homeless families with children. The purpose of the housing must be to facilitate the movement of individuals and families to independent living within two years or as agreed upon in the contract.